IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 942 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

UNITED INDIA INSURANCE CO.LTD.

Versus

REKHABEN BHARATBHAI GONDALIYA

Appearance:

1. Misc.Civil Application No. 942 of 2004

MR PV NANAVATI for Petitioner No. 1

MR VIBHUTI NANAVATI for Petitioner No. 1

MR HARSHAD K PATEL for Respondent No. 1

RULE SERVED BY DS for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 21/09/2004

ORAL JUDGEMENT

1. By filing this Revision under section 24 of the Civil Procedure Code, the applicant, United India Insurance Company Limited, has prayed for transfer of MAC Petition No. 51 of 2004 from the file of MAC Tribunal at Gondal to the MAC Tribunal at Surat.

2. An unfortunate accident had occurred on 1.11.2003 at about 10.00 P.M. when luxury bus bearing registration No. GJ.5.Z.234, which was going from Panchgini to Pune met with an accident, as the driver lost control over the vehicle and the vehicle plunged into a Ghat, resulting in to death of 21 occupants of the said bus, and so many passengers were also injured in the said accident.

3. There are various claim petitions filed before the MAC Tribunal at Surat in connection with the said accident, and the number of such cases are given in paragraph 2 of this application. So far as the present respondent No. 1 is concerned, she has filed MAC Petition No. 51 of 2004 before the MAC Tribunal at Gondal since she is residing at Jetpur.

4. Considering the fact that large number of MAC Petitions are pending before the MAC Tribunal at Surat and evidence in most of the cases also will be common, in my view, it is just and proper to transfer the aforesaid claim petition from Gondal to Surat.

5. Under the circumstances, and considering the facts and circumstances of the case, this Misc. Civil Application is allowed. MAC Petition No. 51 of 2004 is ordered to be transferred from MAC Tribunal, Gondal to MAC Tribunal, Surat. After such transfer, the said claim petition is ordered to be heard with other cognate matters which are pending before the MAC Tribunal at Surat.

6. The petitioner is directed to pay Rs.2000/_ to the original claimant, respondent No. 1, as the original claimant will have to incur more expenses for appearing before the MAC Tribunal at Surat. The petitioner Company is directed to deposit the said amount before the MAC Tribunal at Gondal within four weeks from today, and the original claimant-respondent No. 1, will be entitled to withdraw the said amount unconditionally.

7. Rule is made absolute accordingly.

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